

Federal Defenders
OF NEW YORK, INC.

Southern District
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Barry D. Leiwant
*Interim Executive Director
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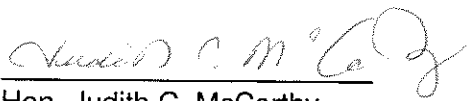
*Southern District of New York
Jennifer L. Brown
Attorney-in-Charge*

November 21, 2023

The Honorable Judith C. McCarthy
Magistrate Judge
300 Quarropas Street
White Plains, New York 10601

Re: United States v. Jean Andrew Bontiffe
23 Mag. 7074

APPLICATION GRANTED


Hon. Judith C. McCarthy
11-21-2023

Dear Honorable McCarthy,

I am writing to ask for an extension until December 1, 2023 to fulfil the Court's bond requirement in the above referenced case. Alternatively, I ask for guidance from Your Honor about whether this issue should be heard by the Court in Massachusetts.

As background, on November 3, 2023, Mr. Bontiffe was arrested in Mamaroneck pursuant to an arrest warrant out of the District of Massachusetts. Following a contested bail hearing, Mr. Bontiffe was released pursuant to an unsecured \$10,000 bond. Under the terms of Mr. Bontiffe's release, Mr. Bontiffe was to have one financially responsible individual sign the bond by November 13, 2023. That deadline was then extended to November 20, 2023 (yesterday) by the Honorable Judge Krause. *See* ECF # 6.

Mr. Bontiffe appeared in the District of Massachusetts on November 14, 2023.¹ *See* ECF Printout (Exhibit A). According to ECF and discussions I have had with Mr. Bontiffe's defense attorney in Massachusetts, the Government in Massachusetts did not seek detention and the Court released Mr. Bontiffe "on his previously imposed supervised conditions."² Because Mr. Bontiffe had appeared in Massachusetts, my understanding was that the Massachusetts Court had taken jurisdiction over this case and that the bond process, including the determination of whether the co-signer was "financially responsible," would take place in Massachusetts. Yesterday afternoon, when I was appearing in front of Your Honor on a different matter, I received an e-mail from Mr. Bontiffe's Massachusetts attorney stating that, per the clerk in Massachusetts, the co-signer approval, and the signing and posting of the bond, needed to be

¹ This proceeding took place remotely via zoom.

² The Court also imposed a new condition, that Mr. Bontiffe participate in substance abuse treatment.

completed in New York.³ If this Court agrees, I ask for an extension until December 1, 2023 to complete the New York bond.

I have reached out to AUSA Timothy Ly and he has no objection not extending the deadline until December 1, 2023.⁴

Thank you for your consideration.

Sincerely,

Benjamin Gold
Assistant Federal Defender

cc: Assistant United States Attorney Timothy Ly

³ During a subsequent phone call, I was informed that Massachusetts was not issuing its own bond and instead was utilizing the New York bond.

⁴ Mr. Ly (understandably) indicated that because I only informed him of this issue this afternoon, the government has not been able to research the jurisdictional issue and that the government therefore is not taking a position as to whether this application, and the bond and co-signer approval process, should take place New York or Massachusetts.

Exhibit A

11/15/23, 9:16 AM

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CUSTODY,VICTIM

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:23-mj-06411-MPK All Defendants**

Case title: USA v. Bontiffe

Date Filed: 10/17/2023

Assigned to: Magistrate Judge M. Page
Kelley

Defendant (1)**Jean Andre Bontiffe**

represented by **Forest J. O'Neill-Greenberg**
Federal Defenders Office
51 Sleeper Street, 5th Flr.
Boston, MA 02210
617-391-2250
Email: forest_oneill-greenberg@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints18 U.S.C. §1543-MAKING OR USING A
FORGED PASSPORT;18 U.S.C. §1028A-AGG. IDENTITY
THEFT;

18 U.S.C. §1344- BANK FRAUD

Disposition

11/15/23, 9:16 AM

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Plaintiff**USA**

represented by **Luke A Goldworm**
 DOJ-USAO
 John J. Moakley U.S. Courthouse
 One Courthouse Way,
 Ste 9200
 Boston, MA 02210
 617-748-3621
 Email: luke.goldworm@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Email All Attorneys

Email All Attorneys and Additional Recipients

| Date Filed | # | Docket Text |
|------------|----------|--|
| 10/17/2023 | <u>1</u> | SEALED COMPLAINT as to Jean Andre Bontiffe (1). (Attachments: # <u>1</u> Affidavit, # <u>2</u> JS45)(Montes, Mariliz) (Entered: 10/17/2023) |
| 10/17/2023 | <u>2</u> | MOTION to Seal as to Jean Andre Bontiffe by USA. (Montes, Mariliz) (Entered: 10/17/2023) |
| 10/17/2023 | <u>3</u> | Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting <u>2</u> Motion to Seal as to Jean Andre Bontiffe (1) (Montes, Mariliz) (Entered: 10/17/2023) |
| 10/17/2023 | <u>4</u> | Arrest Warrant Issued by Magistrate Judge M. Page Kelley as to Jean Andre Bontiffe. (Montes, Mariliz) (Entered: 10/17/2023) |
| 10/17/2023 | <u>5</u> | ELECTRONIC NOTICE of Case Assignment as to Jean Andre Bontiffe; Magistrate Judge M. Page Kelley assigned to case. (DaSilva, Carolina) (Entered: 10/17/2023) |
| 11/06/2023 | <u>6</u> | MOTION to Unseal Case as to Jean Andre Bontiffe by USA. (Vieira, Leonardo) (Entered: 11/06/2023) |
| 11/06/2023 | <u>7</u> | Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting <u>6</u> Motion to Unseal Case as to Jean Andre Bontiffe (1) (Vieira, Leonardo) (Entered: 11/06/2023) |
| 11/06/2023 | | Arrest of Jean Andre Bontiffe (Vieira, Leonardo) (Entered: 11/06/2023) |
| 11/06/2023 | <u>8</u> | <p>ELECTRONIC NOTICE OF HEARING for Initial Appearance as to Jean Andre Bontiffe.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> |

11/15/23, 9:16 AM

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| | | |
|------------|----|---|
| | | Initial Appearance set for 11/14/2023 01:15 PM in Courtroom 24 (Remote only) before Magistrate Judge M. Page Kelley. (Vieira, Leonardo) (Entered: 11/06/2023) |
| 11/14/2023 | 9 | Rule 5(c)(3) Documents Received as to Jean Andre Bontiffe. (Vieira, Leonardo) (Entered: 11/14/2023) |
| 11/14/2023 | 10 | Electronic Clerk's Notes for proceedings held before Magistrate Judge M. Page Kelley: Initial Appearance as to Jean Andre Bontiffe held on 11/14/2023. Court had colloquy with defendant about whether or not he waives his appearance in the courtroom for the hearing. Defendant waived his appearance in the courtroom and the Court found the waiver knowing and voluntary. The Court advised the defendant of his rights and the charges against him. The court appointed attorney O'Neill-Greenberg to represent the defendant. The government did not seek detention but rather moved for release on defendant's previously imposed conditions as well as additional conditions of release. The Court heard from the parties and probation regarding releasing the defendants on additional conditions. The Court conducted a colloquy with the defendant and released him on his previously imposed supervised conditions of release as well as additional conditions. The defendant must participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer. The defendant was ordered to meet with his probation officer in New York by tomorrow 11/15/2023 at 10am. (Attorneys present: O'Neill-Greenberg, Goldworm, Paiva PO, Harrison PO from NY, D'Addieco, PO) Court Reporter Name and Contact or digital recording information: Digital Recording. To order a copy of this Digital Recording, please email the Court at https://forms.mad.uscourts.gov/Audio.html . For a transcript of this proceeding, contact the Court by email at mad_transcripts@mad.uscourts.gov . (Vieira, Leonardo) (Entered: 11/14/2023) |
| 11/14/2023 | 11 | Magistrate Judge M. Page Kelley: ORDER entered. ORDER APPOINTING FEDERAL DEFENDER PROGRAM as to Jean Andre Bontiffe (Vieira, Leonardo) (Entered: 11/14/2023) |

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